

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROBERT MORIMOTO,

Defendant.

8:08CR479

ORDER

This matter is before the court on the motion for an extension of time by defendant Robert Morimoto (Morimoto) (Filing No. 38). Morimoto seeks an additional time in which to file pretrial motions in accordance with the progression order (Filing No. 13). Morimoto has filed an affidavit wherein he agrees to the motion and understands the additional time will be excluded under the Speedy Trial Act (Filing No. 40) Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Morimoto's motion for an extension of time (Filing No. 38) is granted. Morimoto is given until **on or before February 19, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 12, 2009 (original motion deadline) and February 19, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 26th day of January, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge